

REMARKS

Claims 24-56, 59-61, 64-79, 81-83 and 85-104 are pending in this application. Claims 55, 56, 60, 61, 64, 76, 88-90, 94-96 and 100-102 have been amended. Specifically, claims 55, 56, 60, 61, 64, 76, 88(a), 89, 94(a), 95, 100-102(a) have been amended to state that the claimed polypeptide stimulates immune cell proliferation upon ligand binding. Support for this amendment can be found throughout the specification as filed, for example, on page 96, lines 19-22, page 37, lines 26-31, and on page 147, lines 3-12. Subpart (b) has been added to claims 88 and 94 to recite that the claimed polypeptide binds and antibody specific for the polypeptide of SEQ ID NO:2. Support for this amendment can be found, for example, on page 37, lines 26-29 and page 38, lines 3-5. Claims 90 and 96 have been amended to insert the word "the" to correct a grammatical error, as requested by the Examiner. Subpart (a) has been canceled from claim 102.

Applicants expressly assert that these claim amendments were made without prejudice or disclaimer for the sole purpose of facilitating prosecution. The amendments are fully supported by the specification and claims as originally filed, and thus no new matter has been added. Applicants respectfully request reconsideration of the rejections in view of the following remarks.

I. Claim Objections

Claims 90 and 96 are objected to because of a grammatical error. Applicants submit that these claims have been amended to insert the word "the" between the words "comprising" and "amino" as requested by the Examiner. Thus, Applicants respectfully request the withdrawal of this objection.

II. Rejections under 35 U.S.C. §112, first paragraph

Claims 88, 91-94, 97-99 and 102 are rejected as allegedly not being enabled. Specifically, the Examiner states on page 3, section 6.1 of Paper No. 35:

[T]he specification...does not reasonably provide enablement for polypeptides comprising fragments of SEQ ID NO:2 or for polypeptides having homology to the polypeptide of SEQ ID NO:2 which do not have a specific function... [T]he presently rejected claims either do not have an activity for the polypeptide as a limitation, for example claim 88, or recite a functional limitation but do not require any structure, for example claim 102... The rejection would be overcome if the claims were amended to recite sufficient structural and functional limitations.

The above recited claims have additionally been rejected for allegedly lacking written description in the specification. Specifically, the Examiner states on page 4, section 6.2 of Paper No. 35:

[B]ecause the presently rejected claims either do not have an activity for the polypeptide as a limitation, or recite a functional limitation but do not require any structure the claims do not have adequate written description... The rejection would be overcome if the claims were amended to recite sufficient functional limitations.

Applicants submit that claims 88 and 94 have been amended to state that the claimed polypeptides stimulate immune cell proliferation and/or differentiation upon ligand binding, or that they bind an antibody specific for the polypeptide of SEQ ID NO:2. Additionally, subpart (a) has been canceled from claim 102. These amendments have been made without prejudice or disclaimer, solely in the interest of facilitating prosecution. Applicants feel that these amendments overcome the Examiner's rejections and, thus, respectfully request that these rejections under U.S.C. §112, first paragraph be reconsidered and withdrawn.

III. Rejections under 35 U.S.C. §112, second paragraph

Claims 55, 56, 60, 61, 64-83, 85-87, 89, 95 and 100-102 are rejected as allegedly being indefinite for using the term "transduces." Applicants submit that these claims have been amended to state that the polypeptide stimulates immune cell proliferation upon ligand binding. Support for this amendment can be found throughout the specification as filed, for example, on page 96, lines 19-22, page 37, lines 26-31, page 147, lines 3-9. Applicants believe that this amendment overcomes the Examiner's rejection and respectfully request its reconsideration and withdrawal.

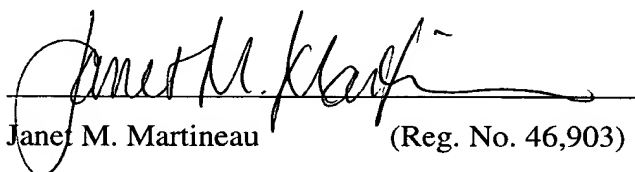
CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for allowance.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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